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International Business Machines Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 2/23/06

STEPHEN ABEL,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

CASE NO. C 04-03961 RMW

~~PROPOSED ORDER~~ AND
STIPULATION TO MODIFY THE
EXPERT DISCOVERY SCHEDULE

STIPULATION

WHEREAS, under the Court's January 19, 2006 Order To Modify The Expert
Discovery Schedule, opening expert reports and disclosures are due on February 24, 2006;

1 WHEREAS, the Court's February 9, 2006 tentative ruling was to grant IBM's
2 Motion for Summary Judgment, conditioned upon IBM's producing a copy of the contents of
3 plaintiff's personnel file;

4 WHEREAS, on February 10, 2006, counsel for IBM produced to counsel for
5 plaintiff documents bearing production numbers IBM-001 through IBM-082;

6 WHEREAS, on February 14, 2006, pursuant to the Court's Order issued at the
7 February 10, 2006 hearing on IBM's motion for summary judgment, IBM e-filed a declaration of
8 its custodian of personnel records declaring that the documents produced to plaintiff's counsel
9 included all of the documents contained in plaintiff Stephen Abel's IBM personnel file;

10 WHEREAS, pursuant to the Court's Order issued at the summary judgment
11 hearing, plaintiff must notify the Court and IBM no later than February 24, 2006 what document
12 in the personnel file he claims memorializes the contract his complaint alleges he had with IBM;

13 WHEREAS, the parties would like to obtain a ruling on IBM's motion for summary
14 judgment before incurring the expense of engaging any expert witnesses;

15 IT IS HEREBY STIPULATED AND AGREED by and between the undersigned
16 counsel on behalf of their respective clients that the expert-discovery schedule be modified as
17 follows:

18 Exchange Opening Expert Reports and Disclosures: March 17, 2006


19 Exchange Rebuttal Expert Reports and Disclosures: April 7, 2006

20 Beginning of Expert Discovery: April 14, 2006

21 Completion of Expert Discovery: May 12, 2006

22
23 DATED: February 15, 2006

LAW OFFICES OF ISMAEL D. PEREZ

24
25 By 
26 Ismael D. Perez
27 Attorneys for Plaintiff
28 Stephen Abel

1
2 DATED: February 15, 2006

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

3
4 By 

5 Scott G. Lawson
6 Attorneys for Defendant
7 International Business Machines Corporation

8 **ORDER**

9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

10 Dated: 2/23/06

11 /s/ Ronald M. Whyte
12 The Honorable Ronald M. Whyte
13 United States District Judge
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